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**ADDITIONAL DEDICATORY INSTRUMENTS**  
for  
**THE BAL HARBOUR ASSOCIATION**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared **Sipra S. Boyd**, who, being by me first duly sworn, states on oath the following:

"My name is **Sipra S. Boyd**, I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

"I am the attorney/agent of **THE BAL HARBOUR ASSOCIATION**. Pursuant with *lee* Section 202.006 of the Texas Property Code, the following documents are copies of the original official documents from the Association's files:

1. **Policy Regarding Records Retention, Inspection & Production**
2. **Policy Regarding Alternative Payment Schedules**
3. **Resolution and Guidelines Regarding Regulation of Flag Display**
4. **Resolution and Guidelines Regarding Roofing Materials**
5. **Resolution and Guidelines Regarding Regulation of Solar Energy Devices**
6. **Resolution and Guidelines Regarding Regulation of Display of Certain Religious Items**
7. **Resolution and Guidelines Regarding Regulation of Composting Devices, Rain Barrels, Harvesting Devices, and Irrigation Systems**

DATED this 5th day of January, 2012.

THE BAL HARBOUR ASSOCIATION

BY: Sipra S. Boyd  
Sipra S. Boyd, attorney/agent

*JOR*

FILED FOR RECORD  
8:00 AM

JAN - 9 2012

*Stewart*  
County Clerk, Harris County, Texas

THE STATE OF TEXAS §

COUNTY OF HARRIS §

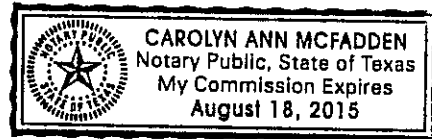
THIS INSTRUMENT was acknowledged before me on this the 5<sup>th</sup> day of ~~January~~ 2012, by **Sipra S. Boyd**, attorney/agent of THE BAL HARBOUR ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.

*Carolyn Ann McFadden*

NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

After recording return to: ✓✓

DAUGHTRY & JORDAN, P.C.  
17044 El Camino Real  
Houston, Texas 77058



**THE BAL HARBOUR ASSOCIATION**

**POLICY REGARDING RECORDS RETENTION, INSPECTION & PRODUCTION**

THE STATE OF TEXAS                   §  
  §    KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS                   §

**WHEREAS**, The Bal Harbour Association (the “Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the “Declarations”);

**WHEREAS**, Section 209.005(i) of the Texas Property Code requires property owners associations to adopt a records production and copying policy record it as a dedicatory instrument; and

**WHEREAS**, Section 209.005(m) requires property owners associations to adopt and comply with a document retention policy;

**NOW THEREFORE, BE IT RESOLVED THAT:**

The following **POLICY REGARDING RECORDS RETENTION, INSPECTION & PRODUCTION** is hereby adopted:

**POLICY**

**RECORDS RETENTION:**

1. Certificates of Formation, Articles of Incorporation, Bylaws, restrictive covenants and any amendments thereto shall be retained permanently;
2. Financial books and records shall be retained for seven (7) years;
3. Account records of current owners shall be retained for five (5) years;
4. Contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term;
5. Minutes of meetings of the Owners and the Board shall be retained for seven (7) years; and
6. Tax returns and audit records shall be retained for seven (7) years.
7. Ballots from elections and member votes shall be retained for one (1) year after the date of the meeting at which the votes were taken, or for votes taken by written consent, for one (1) year after the election or vote results were announced.
8. Account records of former owners shall be retained as a courtesy to that former owner for one (1) year after they no longer have an ownership interest in the property.
9. Decisions of the Architectural Control Committee (ACC) or Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date.

## RECORDS INSPECTION & PRODUCTION:

1. An Owner, or a person designated in a writing signed by the Owner as the Owner's agent, attorney or certified public accountant, may make a request to access the books and records of the Association, provided that such Owner or designated agent submit a written request by certified mail, return receipt requested, which contains sufficient detail to identify the records being requested. The request must contain an election either to inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.
2. The Association may require advance payment of the estimated costs of compilation, production and reproduction of the requested information. If such advance payment is required, the Association shall notify the requesting owner in writing of the cost.
3. The Association will respond to the Owner's request in writing within ten (10) business days of receiving the request. If the Association is unable to produce the information within ten (10) business days, the Association must provide the requestor written notice that: (1) informs the requestor that the Association is unable to produce the information before the 10th business day; and (2) states a date by which the information will be sent or made available for inspection to the requesting party that is not later than the 15th business day after the date of the original response from the Association.
4. If an inspection is requested, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the owner.
5. Absent a court order or the express written approval of the owner whose records are the subject of the request, the Association will not allow inspection or copying of any records that identify the violation history of an individual owner, an owner's personal financial information, including records of payment or nonpayment of amounts due the Association, an owner's contact information (other than the owners' address), information relating to an employee of the Association, including personnel files, attorney work product, or information that is privileged as an attorney-client communication.
6. The Association hereby adopts the following SCHEDULE OF CHARGES for the production and copying of records:
  - Copies: \$.10 per page for standard paper copies; \$.50 per page for oversize paper
  - Electronic Media: \$1.00 for each CD; \$3.00 for each DVD
  - Labor: \$15.00 per hour for actual time to locate, compile and reproduce records (no charge for requests for 50 or fewer pages)

- Overhead: 20% of the total Labor charge (no charge for requests for 50 or fewer pages)
- Miscellaneous: The Association may charge for actual costs incurred in responding to the request, including costs for labels, boxes, folders, postage and/or shipping.

Approved and adopted this 2nd day of January, 2012, by the Board of Directors of The Bal Harbour Association.

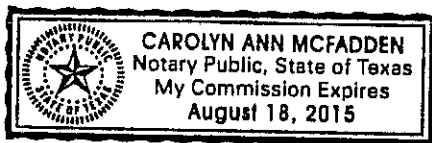
THE BAL HARBOUR ASSOCIATION

James Ross  
 Signature of Secretary

Print Name: James F Ross

THE STATE OF TEXAS           §  
   §  
 COUNTY OF HARRIS           §

THIS INSTRUMENT was **acknowledged** before me on this the 2nd day of January 2012, by JAMES ROSS, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.



Carol Ann McFadden  
 NOTARY PUBLIC IN AND FOR  
 THE STATE OF TEXAS

**THE BAL HARBOUR ASSOCIATION**

**POLICY REGARDING ALTERNATIVE PAYMENT SCHEDULES**

THE STATE OF TEXAS                   §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS                   §

**WHEREAS**, The Bal Harbour Association (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

**WHEREAS**, Section 209.0062 of the Texas Property Code requires property owners associations to adopt reasonable guidelines to establish an alternative payment schedule by which an owner can make partial payments to the association for delinquent, regular or special assessments or any other amount owed to the association without accruing additional penalties;

**WHEREAS**, Section 209.0062(e) requires property owners associations to file the association's guidelines in the real property records of the county where the subdivision is located; and

**WHEREAS**, the Board of Directors of the Association ("Board") desires to establish a policy for Payment Plans consistent with Section 209.0062 and to provide clear and definitive guidance to owners.

**NOW THEREFORE, BE IT RESOLVED THAT:**

The following **POLICY REGARDING ALTERNATIVE PAYMENT SCHEDULES** is hereby adopted:

**POLICY**

1. Owners may enter into a payment plan or alternative payment schedule, provided they have not defaulted on a previous payment plan in the preceding 24 month period. If a default has occurred in the previous 24-month period, then the Board of Directors shall use its discretion as whether to allow any additional payment plans.
2. All payment plans must be in writing using a form promulgated by the Association or its agent or attorney, and signed by the Owner. No partial payments will be accepted without an approved written payment plan agreement. Notwithstanding, any acceptance by the Association of a partial payment from an Owner without a signed payment plan agreement does not in any way indicate acceptance or approval of a payment plan or alternative payment schedule.

3. Payment plans shall be no shorter than three (3) months, nor longer than eighteen (18) months. Payment plans will require either a down payment and monthly installments, or equal monthly installments.

4. For the duration of a payment plan or alternative payment schedule, and so long as payments are made timely, the Association shall refrain from charging additional late fees or other monetary penalties. However, the Association may charge interest at the rate contained in its governing documents, in addition to costs or fees associated with administration of the payment plan.

Approved and adopted this 2nd day of January, 2012, by the Board of Directors of The Bal Harbour Association.

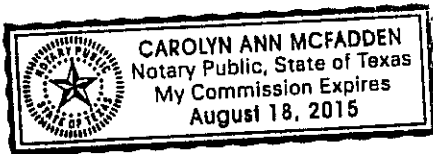
THE BAL HARBOUR ASSOCIATION

James Ross  
Signature of Secretary

Print Name: James F Ross

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

THIS INSTRUMENT was **acknowledged** before me on this the 5th day of January 2012 by JAMES ROSS, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.



Carolyn Ann McFadden  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

THE BAL HARBOUR ASSOCIATION

RESOLUTION AND GUIDELINES REGARDING  
REGULATION OF FLAG DISPLAY

THE STATE OF TEXAS

§

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KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS

**WHEREAS**, The Bal Harbour Association (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

**WHEREAS**, Section 202.011 of the Texas Property Code provides for the regulation of flag display by a property owners' association;

**WHEREAS**, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

**WHEREAS**, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags within the community.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following Guidelines are adopted by the Board of Directors.

**GUIDELINES**

- I. These Guidelines apply to the display of flags ("Permitted Flags"):
  - a. the flag of the United States;
  - b. the flag of the State of Texas; and
  - c. the official flag of any branch of the United States armed forces.
- II. The flag of the United States shall be displayed in accordance with 4 U.S.C. Sections 5-10.
- III. The flag of the State of Texas shall be displayed in accordance with Chapter 3100, Texas Government Code.
- IV. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section I above including, but not limited to:
  - a. flags for schools, sports teams, businesses or foreign countries; or
  - b. flags with marketing, seasonal, historical, commemorative, nautical,



- political or religious themes; or
- c. historical versions of flags permitted in section 1 above.

- V. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Architectural Control Committee ("ACC") is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
- VI. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
- VII. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
- VIII. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
- IX. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.
- X. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
- XI. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
- XII. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
- XIII. The display of a flag, or the location and construction of the supporting flagpole shall comply with applicable zoning ordinances, easements, and setbacks of record.
- XIV. Free-standing flagpoles may not be installed in any location described below:
  - a. in any location other than the Owner's property; or
  - b. within a ground utility easement or encroaching into an aerial easement; or

- c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
  - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
  - e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
- XV.** No owner shall display a flag or flagpole on property that is owned or maintained by the Association or owned in common by the members of the Association.
- XVI.** Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
- a. be ground mounted in the vicinity of the flag; and
  - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
  - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
  - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
- XVII.** Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
- XVIII.** Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
- XIX.** All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

These guidelines are effective upon recordation in the Public Records of Harris County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.011 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted this 2nd day of January, 2012,  
by the Board of Directors of The Bal Harbour Association.

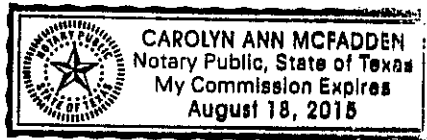
THE BAL HARBOUR ASSOCIATION

James Ross  
Signature of Secretary

Print Name: James F. Ross

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

THIS INSTRUMENT was **acknowledged** before me on this the 2nd day of ~~January~~ January, 2012, by JAMES ROSS, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.



Carolyn Ann McFadden  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**THE BAL HARBOUR ASSOCIATION**

**RESOLUTION AND GUIDELINES REGARDING  
ROOFING MATERIALS**

THE STATE OF TEXAS                   §  
  § KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS                   §

**WHEREAS**, The Bal Harbour Association (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

**WHEREAS**, Section 202.011 of the Texas Property Code provides for the regulation of certain roofing materials by a property owners' association;

**WHEREAS**, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

**WHEREAS**, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding roofing materials therein, it is appropriate for the Association to adopt guidelines regarding roofing materials within the community.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following Guidelines are adopted by the Board of Directors.

**GUIDELINES**

1. Subject to written approval from the Architectural Control Committee ("ACC"), an owner, at owner's expense, may install shingles on the roof of the owner's property that:
  - a. are designed primarily to:
    - i. be wind and hail resistant;
    - ii. provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
    - iii. provide solar generation capabilities; and
  - b. when installed:
    - i. resemble the shingles used or otherwise authorized for use on property in the subdivision;
    - ii. are more durable than and are of equal or superior quality to the shingles described by paragraph i;
    - iii. match the aesthetics of the property surrounding the owner's property.
2. If an owner is approved for roof shingles under this policy, the owner is obligated

to maintain, repair, and replace the roof once the shingles have been installed. Any owner approved for the use of shingles under this policy shall sign an agreement acknowledging that the Association will have no responsibility as to the maintenance, repair, or replacement of the owner's shingles or roof as provided by the Association's governing documents.

These guidelines are effective upon recordation in the Public Records of Harris County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.011 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted this 2nd day of January, 2012,  
by the Board of Directors of The Bal Harbour Association.

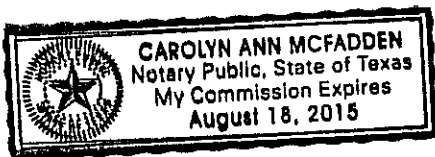
THE BAL HARBOUR ASSOCIATION

James F Ross  
Signature of Secretary

Print Name: James F Ross

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS         §

THIS INSTRUMENT was **acknowledged** before me on this the 2nd day of January, 2012, by James Ross, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.



Carolyn Ann McFadden  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**THE BAL HARBOUR ASSOCIATION**

**RESOLUTION AND GUIDELINES REGARDING  
REGULATION OF SOLAR ENERGY DEVICES**

THE STATE OF TEXAS                   §  
  § KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS                   §

**WHEREAS**, The Bal Harbour Association (the “Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the “Declarations”);

**WHEREAS**, Section 202.010 of the Texas Property Code provides for the regulation of solar energy devices by a property owners’ association;

**WHEREAS**, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

**WHEREAS**, the Board of Directors (the “Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following Guidelines are adopted by the Board of Directors.

**GUIDELINES**

**I. DEFINITIONS**

“Solar energy device” has the meaning assigned by Section 171.107 of the Tax Code.

**II. POLICY**

1. Solar energy devices may only be installed after obtaining written approval from the Architectural Control Committee (“ACC)
2. A solar energy device shall not be permitted that:
  - a. as adjudicated by a court either threatens the public health or safety; or violates a law;
  - b. is located on property owned or maintained by the Association;
  - c. is located on property owned in common by the members of the Association;
  - d. is located in an area on the property owner’s property other than:
    - i. on the roof of the home or of another structure allowed

- by the ACC; or
  - ii. in a fenced yard or patio owned and maintained by the property owner;
  - e. if mounted on the roof of the home:
    - i. extends higher than or beyond the roofline;
    - ii. is located in an area other an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the Association;
    - iii. does not conform to the slope of the roof and has top edge that is no parallel to the roofline; or
    - iv. has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
  - f. if located in a fenced yard or patio, is taller than the fence line;
  - g. as installed, voids material warranties; or
  - h. was installed without prior written approval by the ACC.
3. The ACC shall not withhold approval of a solar energy device if it meets the provisions of this policy unless the ACC determines in writing that placement of the device as proposed by the owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making this determination, the written approval of the proposed placement of the device by all property owners of adjoining property or by any property owners to which the device is visible, constitutes prima facie evidence that such a condition does not exist.
4. If an owner is approved for any type of solar energy devices under this policy, the owner is obligated to maintain, repair, and replace any portion of the exterior of the townhouse on which the solar energy devices are installed. Any owner approved for the use of solar energy devices under this policy shall sign an agreement acknowledging that the Association will have no responsibility as to the maintenance, repair, or replacement of exterior portion of the owner's townhouse affected by any such solar energy device as provided by the Association's governing documents.

These guidelines are effective upon recordation in the Public Records of Harris County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.010 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted this 2nd day of January, 2012,  
by the Board of Directors of The Bal Harbour Association.

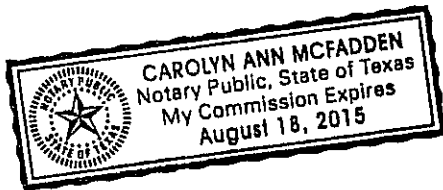
THE BAL HARBOUR ASSOCIATION

James Ross  
Signature of Secretary

Print Name: James F Ross

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

THIS INSTRUMENT was **acknowledged** before me on this the 2nd day of ~~January~~, 2012, by James Ross, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.



Carolyn Ann McFadden  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



**THE BAL HARBOUR ASSOCIATION**

**RESOLUTION AND GUIDELINES REGARDING  
REGULATION OF DISPLAY OF CERTAIN RELIGIOUS ITEMS**

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

KNOW ALL PERSONS BY THESE PRESENTS:  
§

**WHEREAS**, The Bal Harbour Association (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

**WHEREAS**, Section 202.018 of the Texas Property Code provides for the regulation of display of certain religious items by a Property Owners' Association;

**WHEREAS**, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

**WHEREAS**, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt guidelines regarding the display of certain religious items within the community.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following Guidelines are adopted by the Board of Directors.

**GUIDELINES**

**I. DEFINITIONS**

"Religious items" shall be defined as any items which may be construed to reflect an owner's sincere religious beliefs.

**II. POLICY**

1. An owner or resident may display a religious item by affixing it to the entry of the owner's or resident's dwelling which is motivated by the owner's or resident's sincere religious belief.
2. The owner or resident shall not display or affix a religious item on the entry to the owner's or resident's dwelling that:
  - a. threatens the public health or safety;
  - b. violates a law;
  - c. contains language, graphics, or any display that is patently offensive to a passerby;
  - d. is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling;

- or
- e. individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than twenty-five (25) square inches.
  3. The policy does not authorize an owner or resident to use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame without written approval from the ACC.
  4. The Association may remove an item displayed in violation of a restrictive covenant permitted by this policy.
  5. The ACC shall determine if the religious item is in violation of either sections "2a" through "2e" above or section "4" above.

These guidelines are effective upon recordation in the Public Records of Harris County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.018 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted this 2nd day of January, 2012, by the Board of Directors of The Bal Harbour Association.

THE BAL HARBOUR ASSOCIATION

James F Ross

Signature of Secretary

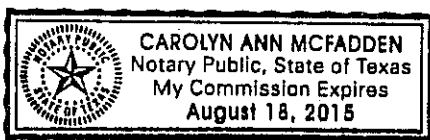
Print Name: James F Ross

THE STATE OF TEXAS

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§  
§

COUNTY OF HARRIS

THIS INSTRUMENT was **acknowledged** before me on this the 2nd day of January, 2012, by JAMES ROSS, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.



Carolyn Ann McFadden  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**THE BAL HARBOUR ASSOCIATION**

**RESOLUTION AND GUIDELINES REGARDING  
REGULATION OF COMPOSTING DEVICES, RAIN BARRELS,  
HARVESTING DEVICES AND IRRIGATION SYSTEMS**

THE STATE OF TEXAS                   §  
  § KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS                   §

**WHEREAS**, The Bal Harbour Association (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

**WHEREAS**, Section 202.007 of the Texas Property Code provides for the regulation of composting devices, rain barrels, rainwater harvesting devices, and irrigation systems by a Property Owners' Association;

**WHEREAS**, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

**WHEREAS**, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of rain barrels, rainwater harvesting devices, composting devices, and irrigation systems therein, it is appropriate for the Association to adopt guidelines regarding these systems.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following Guidelines are adopted by the Board of Directors.

**GUIDELINES**

1. General Provisions
  - a. Subject to written approval from the Architectural Control Committee ("ACC"), an owner or resident may:
    - i. implement measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;
    - ii. install rain barrels or a rain water harvesting system; or
    - iii. implement efficient irrigation systems, including underground drip or other drip systems.
  - b. If an owner or resident is planting new turf, the ACC must approve such turf in writing in order to encourage or require water-conserving turf.
2. Composting Devices
  - a. The ACC shall regulate the size, type, shielding, and materials, for or the

location of a composting device so long as it does not prohibit the economic installation of the device on the owner's lot where there is reasonably sufficient area to install the device.

- b. This policy does not require the ACC to permit a device as described in this policy to be installed in or on property:
  - i. owned by the Association;
  - ii. owned in common by the members of the Association; or
  - iii. in an area other than the fenced yard or patio of a property owner.

### 3. Irrigation Systems

The ACC shall regulate:

- i. the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.
- ii. the installation or use of gravel, rocks, or cacti.

### 4. Rain Barrels and Rainwater Harvesting

- a. This policy does not require the ACC to permit a rain barrel or rainwater harvesting system ("rainwater recovery systems") to be installed in or on property if:
  - i. the property is:
    - 1. owned by the Association;
    - 2. owned in common by the members of the Association
    - 3. located between the front of the property owner's home and an adjoining or adjacent street; or
  - ii. the barrel or system:
    - 1. is of a color other than a color consistent with the color scheme of the property owner's home; or
    - 2. displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured;
- b. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the rainwater recovery system, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
  - i. Placement behind a solid fence, a structure or vegetation; or
  - ii. By burying the tanks or barrels; or
  - iii. By placing equipment in an outbuilding otherwise approved by the ACC.
- c. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
  - i. The barrel must not exceed 55 gallons;
  - ii. The barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle;
  - iii. The barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
  - iv. Any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible

position when not in use.

- d. Overflow lines from the rainwater recovery systems must not be directed onto or adversely affect adjacent properties or common areas.
- e. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed; however, where space allows and where appropriate, the ACC-approved ponds may be used for water storage.
- f. Harvested water must be used and not allowed to become stagnant or a threat to health.
- g. All rainwater recovery systems must be maintained in good repair. Unused systems should be drained and disconnected from the gutters. Any unused systems in public view must be removed from public view from any street or common area.
- h. The ACC shall regulate the size, type, and shielding of, and the materials used in the construction of a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or an any other location that is visible from a street, another lot, or a common area so long as:
  - i. it does not prohibit the economic installation of the device or appurtenance on the property owner's property; and
  - ii. there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance.

These guidelines are effective upon recordation in the Public Records of Harris County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.007 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted this 2nd day of January, 2012,  
by the Board of Directors of The Bal Harbour Association.

THE BAL HARBOUR ASSOCIATION

James F Ross  
Signature of Secretary

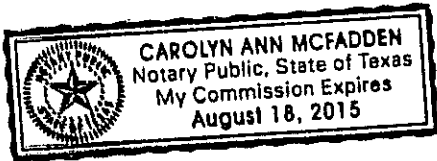
Print Name: James F. Ross

COUNTY OF HARRIS

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THIS INSTRUMENT was **acknowledged** before me on this the 2nd day of January, 2012, by JAMES ROSS, Secretary of The Bal Harbour Association, a Texas non-profit corporation, on behalf of said corporation.

*Carolyn Ann McFadden*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



**RECORDER'S MEMORANDUM:**  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts additions and changes were present at the time the instrument was filed and recorded.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR FACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas

JAN - 9 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS